

## Meeting Minutes

### Plan & Zoning Commission Meeting

Tuesday, September 7, 2010

#### CALL TO ORDER

The September 7, 2010 meeting of the Plan & Zoning Commission was called to order at 7:00 pm by Chairman T.Ripper.

#### ROLL CALL

Members present: T.Anliker, J.Austen, D.Fliger, D.Godwin, S.Lawrence, S.Odson, T.Ripper, L.Voigt. Staff present: J.Peterson, E.Jensen, T.Kuhn.

#### BUSINESS ITEMS

##### **Item #2. 405 SE Frisk Drive - Sketch Plan & Subdivision Standards Waiver Request.**

**Staff Report.** E.Jensen presented an aerial map showing the site located south of E First Street and east of SE Frisk Drive. He reported that the property, annexed in 1974, is zoned R-1 and is adjacent to the north and east to unincorporated Polk County.

He stated that the request from the applicant is approval of the sketch plan with waivers from required subdivision regulations to allow for platting and construction of a single family home. He explained that SE Frisk Drive is a gravel road south of E 1<sup>st</sup> Street, and with a typical subdivision, a developer would be required to pave their portion of SE Frisk Drive. Subdivision regulations would also require the developer to bring water main and sanitary sewer to the site. In this case, water is located at SE Frisk Drive and E 1<sup>st</sup> Street, approximately a quarter mile away and sanitary sewer is located approximately 5,000 feet to the south. He stated that these are expenses that are not particularly justified for a one lot subdivision and the applicant is requesting a waiver of those requirements. E.Jensen commented that this request is a single lot for a single home in an area that will have minimal impact on surrounding land uses. Staff's recommendation for denial is based on code requirements and strict interpretation of the code. He stated that one of staff's main concerns when granting a waiver to the improvements is setting a precedent for the next piece of property that comes in, however, in the case staff and the city attorney feels that this is an area that is unique; the parcel was annexed 36 years ago and public improvements remain some distance away. E.Jensen suggested that should the Commission grant the waiver, the city's interests could be protected through a development agreement that identifies the appropriate time that public improvements would be installed by the property owner. He said that in speaking with the applicant, he believes he is willing to pay his fair share at the appropriate time, so the appropriate recommendation might be that if the commission sees fit to grant approval of the waivers, it be subject to a development agreement that would document the improvements.

D.Fliger asked who would sign the development agreement. E.Jensen stated that because Mr.Bell would be purchasing the property from Mr. Terrell, both would be required to sign the agreement along with the city. D.Fliger asked if the agreement would apply to the adjacent property. E.Jensen responded that it would apply only to this 3.4-acre parcel.

S.Lawrence asked what would happen if the adjacent properties requested similar waivers. E.Jensen stated that the requests would be brought to the Commission as this request is.

D.Fliger stated he is in favor as long as there is a development agreement. D.Godwin suggested the city better be ready, because there will be more requests. He asked if the house currently on the larger property existed when the property was annexed. E.Jensen responded that the annexation occurred in 1974, building permit records indicated that the house was constructed in 1989. Prior to 1989, the parcel was part of a 7 acre site that was split with the City Council granting a waiver to the platting process, allowing for construction of the single family home. D.Godwin asked what would be the reason to allow for a waiver of the park site dedication requirements. E.Jensen responded that staff does not see a reason to waive the requirement, in 1989 when platting was waived; the park site dedication fee was still required.

D.Godwin said he understands that this is a unique situation but asked how many other unique situations may exist around the perimeter of Ankeny. E.Jensen responded that is unknown, there are not a lot of requests for acre subdivisions. J.Peterson added that a couple of distinctions can be made by the Commission in their findings: 1) in 1989, the area was not intended to be a growth area, today it is and, 2) this site is internal to an area that has already been granted an waiver which sets it apart from any new situation.

S.Odson asked what causes the need for SE Frisk Drive to be paved or sanitary sewer to be extended. E.Jensen responded that annexation and development of adjacent property would create the need.

S.Odson asked if the development agreement follows the land and the owner so that any future purchaser will be aware of the financial obligations. E.Jensen stated that by having a development agreement recorded with the property, future buyers should be aware of the agreement.

S.Odson asked in what year were all lots required to connect to sanitary sewer. J.Peterson responded that occurred when the new subdivision regulations were adopted in 1981.

S.Odson stated that he is not in favor of the proposal to waive the requirements, but agrees that something should be done for this property owner and can support it as long as the city attorney is firm with the development agreement. J.Peterson stated that the agreement needs to define the uniqueness of this property that allows for these waivers. He added that because this is an area that has already been considered by the council, as part of the original waiver of platting, uniqueness is added to this property.

T.Ripper commented that one of the concerns with water service is the ability to provide effective fire protection. He asked if the city is liable for fire protection. J.Peterson responded that there a number of residents in the city's fire protection district where the property is served by a well and water is tanked in to fight a fire.

Bob Terrell stated that he purchased the original 7 acres a number of years ago and built his shop. He said the well has plenty of water but probably not enough pressure so there will be an agreement with the 3 property owners, and Mr. Bell will probably need to install a larger pump to service his home. Mr. Terrell stated that the existing house on the property has a sprinkler system installed. Mr. Terrell stated that the parcel that he will sell to Mr. Bell will be 1¼ to 1½ acres; the land will be surveyed by an engineer after the house has been designed.

Dean Bell stated that he is a resident and business owner in Ankeny. He would like to build a ranch style house on this property. He stated that he agrees that he has a responsibility for the water and sewer costs when they are required and he will be in favor of hooking to those utilities when they become available.

D.Godwin asked how a request to build a house on the adjacent 3-acre parcel to the west would be handled. J.Peterson stated that a similar request would need to be made and considered by the Commission and City Council.

D.Fliger questioned the process for final site plan approval on the site. E.Jensen explained that the sketch plan and request for waivers will be considered by the City Council, following that a final plat to subdivide the property would follow the normal process. He explained that the development agreement would accompany the final plat. Mr.Terrell commented that Mr. Bell did not want to proceed with building plans and purchase of the property unless he could secure city council approval of the sketch plan and request for waivers.

Motion by D.Fliger that the Plan & Zoning Commission recommend City Council approval of the 405 SE Frisk Drive Sketch Plan subject to the execution of a development agreement between the property owner, the applicant and the City of Ankeny as outlined in the memo of September 7, 2010 to the Plan & Zoning Commission from Eric Jensen. Second by J.Austen. All voted aye. Motion carried 8 – 0.

S.Odson asked if the Commission will have the opportunity to review the development agreement. E.Jensen stated that it will be brought to the Commission with the final plat submittal.

Motion by D.Fliger that the Plan & Zoning Commission recommend approval of the request to waive the requirement to install public infrastructure per the Municipal Code, subject execution of a development agreement between the property owner, the applicant and the City of Ankeny, documenting the responsibility for the future installation of the required public infrastructure at such time as deemed appropriate by the Ankeny City Council. Second by L.Voigt. All voted aye. Motion carried 8 – 0.